IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.451 OF 2006
IN
COMPANY PETITION NO.706 OF 1998

Pawan Kumar Goenka Petitioner

versus

Mrs.Sarita Pawankumar Goenka & ors. Respondents

Mr.A.K.Delhiwala i/by Kukreja & Co. for applicant
None for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th July 2006

PC :

1. Shri Delhiwala appearing for the applicant states that the company application has been served upon respondent company and the advocate appearing for the respondent company acknowledges receipt of the same. He undertakes to file an affidavit proving service within a period of one week from today.

2. This is a company application to substitute heirs and legal heirs of the deceased sole petitioner on record. The company petition for

winding up has been admitted. During its pendency the petitioner has expired and the application is to substitute heirs and LRS and to enable them to prosecute the petition further.

3. Learned counsel invites my attention to Rules 6 and 9 of the Company (Court) Rules, 1959 which specifically deal with inherent powers of this Court. In the light of the fact that inherent powers are intended to render justice and company petition having been already admitted, this application deserves to be granted. It is accordingly granted in terms of prayer clauses (a) and (b). More so, because sufficient cause is made out for the delay in filing this company application. Amendment to be carried out within four weeks from today and amended petition be served on the respondent company’s advocate within two weeks thereafter.

(S.C.DHARMADHIKARI, J.)